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MAR 28 2007

Docket No.: NY-LUD 5298-US5-DIV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kohei Miyazono et al.

Application No.: 10/630,555

Confirmation No.: 7477

Filed: July 30, 2003

Art Unit: 1646

For: ANTIBODIES WHICH BIND
SPECIFICALLY TO ACTIVIN RECEPTOR
LIKE KINASES

Examiner: B. D. Hissong

PETITION TO WITHDRAW TERMINAL DISCLAIMER
(37 C.F.R. § 1.182, MPEP 1490 (VII))Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the above referenced provisions of 37 C.F.R. and the MPEP, applicants petition for the withdrawal of a terminal disclaimer.

Please charge any fees due herewith to Deposit Account No. 500624.

FACTS

On October 11, 2006, applicants filed a terminal disclaimer in this application, in response to a rejection of claim 32 on obviousness type double patenting, in view of U.S. Patent No. 6,982,319.

Claim 32 read as follows:

An isolated antibody which binds specifically to a human protein having activin like kinase activity which is encoded by a nucleic acid molecule consisting of a nucleotide

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sequence, the complementary sequence of which hybridizes to the nucleotide sequence of SEQ ID NO: 1, at 0.5x55°C, 0.1% SDS at 55°C, 5xSSC, 0.1% SDS, followed by two 15 minute washes in 0.5xSSC, 0.1% SDS, at 55°C.

On March 28, 2007, applicants canceled claim 32, and replaced it with:

34. (New) An isolated antibody which binds specifically to a human protein encoded by the nucleotide sequence set forth in SEQ ID NO: 1.

It is believed that current claim 34 is more narrow than prior claim 32, and does not present the same issues raised by prior claim 32.

In view of this, it is believed that the prior, obviousness type double patenting rejection would no longer apply, as such a terminal disclaimer is no longer appropriate.

Respectfully submitted,

By 

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